

WDAE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application No. 10/530,325

Applicant: Titz

Filed: April 1, 2005

TC/AU: Unassigned

Examiner: Unassigned

Docket No.: 234853 (Client Reference No. 6/CW/FF40008US)

Customer No.: 23460

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBSTITUTION OF DOCUMENT**

Dear Sir:

A Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor (37 CFR 1.47(b)) was filed on January 17, 2007 in accompaniment to the Response to File Missing Parts in the referenced matter. Upon closer inspection of the document, a typographical error was found on page 3. The form has since been amended to reflect the correct priority date and re-executed.

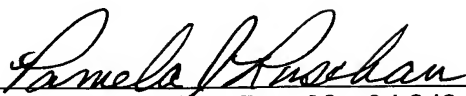
Submitted herewith is a substitute copy of the Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor.

Accordingly, it is respectfully submitted that all requirements of the Petition should now be satisfied. If, however, in the opinion of the Office, additional information is required, the Office is invited to contact the undersigned.

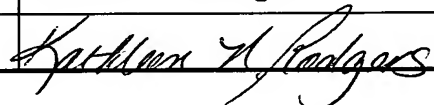
It is believed that no additional filing fee is required in connection with this substitution. If however, such a fee is required, the Office is hereby authorized to charge Deposit Account 12-1216 in connection for purposes of the same.

In re Appln. of Titz  
Application No. 10/530,325

Respectfully submitted,

  
Pamela J. Ruschau, Reg. No. 34,242  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson Avenue  
Chicago, IL 60601-6780  
Telephone: (312) 616-5600  
Facsimile: (312) 616-5700

Date: February 12, 2007

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input checked="" type="checkbox"/> deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 CFR 1.10 in an envelope addressed in the same manner indicated on this document with Express Mail Label Number EV329749080US, <input checked="" type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed in the same manner indicated on this document, or <input type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-8300.			
Name (Print/Type)	Kathleen N. Rodgers		
Signature		Date	February 12, 2007



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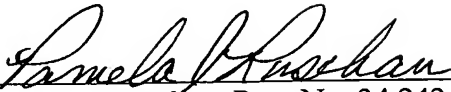
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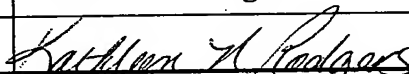
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Name (Print/Type)	Kathleen N. Rodgers		
Signature		Date	February 12, 2007



PATENT  
Attorney Docket No. 234881  
Client Reference No. 6/NP/FF32647US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/529,929

Applicant: Titz

Filed: April 1, 2005

TC/AU: Unassigned

Examiner: Unassigned

Docket No.: 234881 (Client Reference No. 6/NP/FF32647US)

Customer No.: 23460

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT OF FACTS IN SUPPORT OF FILING  
ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47(b))**

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having knowledge of the facts recited therein and is supported by the following enclosed documents:

1. STATEMENT ESTABLISHING PROPRIETARY INTEREST BY PERSON SIGNING ON BEHALF OF NONSIGNING INVENTOR (attaching copies of a German language declaration and English language translation thereof, a "general" assignment Agreement).
2. STATEMENT BY PERSON HAVING FIRST HAND KNOWLEDGE THAT NONSINGING INVENTOR WAS EMPLOYEE OR OTHERWISE OBLIGATED TO PERSON WITH SUFFICIENT PROPRIETARY INTEREST WHEN INVENTION WAS MADE.
3. STATEMENT BY PERSON HAVING FIRST HAND KNOWLEDGE THAT EFFORTS WERE MADE TO OBTAIN THE INVENTOR'S SIGNATURE.

**IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS**

Name: Janice Stipp  
Title: Executive Vice President  
Address:

**LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR**

Full name of (first, second, etc.) nonsigning inventor: Peter Titz

Home Address: Gotzweg 112  
Monchengladbach, Germany 41238

Business Address: GDX Automotive Grefrath GmbH & Co. KG  
Bahnstraße 29  
D-47929  
Germany

**DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR AND  
NONSIGNING INVENTOR'S REFUSAL TO SIGN**

Several attempts were made to obtain Mr. Titz's signature on the declaration for the above-identified application. These are set forth in item 3 above.

**PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE  
OR PRESERVE THE RIGHTS OF THE PARTIES**

Filing on behalf of the nonsigning inventor is necessary to preserve the rights of the parties and to prevent irreparable damage. Despite diligent efforts to contact and obtain the signature of the inventor, Peter Titz, these attempts have proven unsuccessful. Mr. Titz is a former employee of GDX Automotive TC GmbH & Co. KG, who left the company on September 30, 2003. While at GDX Automotive TC GmbH & Co. KG employ, Mr. Titz conceived and reduced to practice the invention disclosed and claimed in the above-identified application. On December 11, 2002, GDX Automotive TC GmbH & Co. KG provided to Mr. Titz, a German language Declaration. A copy of this Declaration is attached to the Statement Establishing Proprietary Interest by Person Signing on Behalf of Nonsigning Inventor. The Declaration is made under Sections 6 and 7 of German patent law. According to Section 6 of German patent law, the right to an invention belongs to the inventor or his successor in title. According to Section 7 of German patent law, the employer becomes the inventor's successor in title by declaring that they will make use of the invention without restriction. Mr. Titz executed the Declaration to make use of the invention without restriction, and, therefore, confirms that GDX Automotive TC GmbH & Co. KG is the inventor's successor in title of the invention. Subsequent to this Declaration, the PCT application upon which the above-identified application is based was filed. By general assignment agreement between GDX Automotive TC GmbH & Co. KG and GDX North America Inc., all inventions owned by GDX Automotive TC GmbH & Co. KG are automatically assigned to GDX North America

In re Appln. of Titz  
Application No. 10/529,929

Inc. (copy also attached to Statement Establishing Proprietary Interest by Person Signing on Behalf of Nonsigning Inventor).

Furthermore, this application is a national phase application based on PCT application PCT/IB2003/004357 filed October 2, 2003. Priority is claimed to United Kingdom application number 0222816.1 filed October 2, 2002. GDX North America, Inc. is required to file an Oath or Declaration within 2 months of the mailing date of the Notification of Missing Requirements Under 35 U.S.C. 371 or by 32 months from the priority date, whichever is later and subject to extension of time under 37 C.F.R. 1.136(a). This filing date cannot be met if this petition is not granted. If this filing date is not met, then the application will be abandoned causing GDX North America, Inc. irreparable damage by being unable to prosecute, to potential issuance, an application that it rightfully owns. Therefore, it is respectfully requested that the Office grant the petition to file on behalf of an inventor that refuses to sign (37 C.F.R. 1.47(b)).

Signature: Jance Stapp

Date: 1/15/07